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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,309	10/28/2003	Anthony E. Turvey	A2W12304US	7568
23935	7590	01/25/2005	EXAMINER	
KOPPEL, JACOBS, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360			NGUYEN, KHANH V	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,309

Applicant(s)

TURVEY, ANTHONY E.

Examiner

Khanh V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9-11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 4, 6-8 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/28/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 9 and 10 are objected to because of the following informalities:

Regarding claim 9, "first outputs" should correctly be --first output--.

Regarding claim 10, "second outputs" should correctly be --second output--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 10 recite the limitation "said first outputs" and "said second outputs" respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 9, 10, 15, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwan et al. (6,781,451).

Regarding claims 1, 15, 16, Kwan et al. (Fig. 8) disclose a differential amplifier having common-mode voltage comprising: a first difference amplifier (804) connected to compare a first input voltage (IN) with a feedback voltage (VB4) to provide a first result (OP); a second difference amplifier (812) connected to compare a second input voltage (IP) with a feedback voltage (VB4) to provide a first result (ON); and a feedback amplifier (CMFB) can also be read as comparing step connected to drive the feedback voltage (VB4) via L1 or node 836 to a level that is substantially the average of the first and second input voltages (IN, IP) in response to receiving the first and second results (OP, ON).

Regarding claim 2, wherein the feedback amplifier comprises a CMFB which can be read as an operational amplifier having inverting (ON) and non-inverting (OP) inputs to receive the first and second results.

Regarding claim 3, wherein the first and second difference amplifiers (804, 812) can be a first and second transconductance amplifiers, respectively.

Regarding claim 5, Kwan et al. (Fig. 8) disclose a circuit (800) which can be read as a common-mode detector comprising: a CMFB can be read an op-amp having inverting (ON/834) and non-inverting (OP/833) inputs and a detector output (836); first and second differential transconductance amplifiers (804, 812), said differential amplifiers each having: a first input (IP); a second input (VB4) coupled to said detector output (836); a first output coupled (ON) to said inverting input (ON/834) and a second output (OP) coupled to said non-inverting input (OP/833); wherein, response to receiving a differential signal at said first inputs (OP, ON), the common-mode detector

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is operable to provide a detector output indicative of a common-mode component of said differential signal.

Regarding claims 9, 10, wherein either transistors ((808, 809) and (818, 819) from each side of (OP and ON) can operate as first and second impedances.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwan et al.

Kwan et al. disclose the claimed invention except the impedances are resistors. However, it is known in the art that transistor can also act as an impedance which can also be replaced with a resistor. As such, replacing transistor(s) of Kwan et al. with resistor(s) is considered within on of ordinary skill in the art.

Allowable Subject Matter

Claims 4, 6-8, 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 calls for, among others, currents (I_P and I_N) according to the equations claimed.

Claims 6-8, 12-14 call for, among others, first and second transistors having the connections thereof.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references (McCormack (4,904,953); Seevinck et al. (4,992,755); Fensch (5,319,316)) disclose amplifier having common-mode feedback.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh V. Nguyen whose telephone number is (571) 272-1767. The examiner can normally be reached from 8:00 AM - 3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KHANH V. NGUYEN
PRIMARY EXAMINER